

BAIL FOR PANTHER DECREED BY COURT

Judge Rules in New Haven Murder-Kidnap Case

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NEW HAVEN, Dec. 29—One of five Black Panthers facing murder and kidnapping charges was ordered released on bail today in what was thought to be the first time a suspect in a capital case in this state has been given the chance to await trial out of jail.

The decision to allow Frances Carter, 20 years old, secretary of the Panther party in Connecticut, to post bond followed the first bail hearing ever held in the state. The hearing before Superior Court Judge Aaron J. Palmer started Nov. 12 and lasted 11 days.

The judge ordered another hearing to determine how much the bail for Miss Carter should be.

Miss Carter and the four others who were denied bail are among 14 persons, including Bobby G. Seale, national Black Panther party chairman, arrested last May and June and charged in the kidnap and torture-murder of another Black Panther suspected of being a police informer.

Miniature 'Trial' Held

At the outset of the bail hearing, Judge Palmer ruled that the state had the burden to prove why bail should be denied. As the result of that ruling and the state's choice to present its key evidence and witnesses, the hearing became a miniature version of the trial to come.

Judge Palmer, in a six-page decision filed this afternoon, said the circumstances disclosed during the bail hearing "indicate a fair likelihood that each of the defendants—Margaret Hudgins, Rose Marie Smith, George Edwards and Ericka Huggins—is in danger of conviction . . . for the capital offenses charged . . . because the facts adduced by the state warrant the concession that if believed by such court or jury, they furnish a reason-

able basis for a judgment or verdict of guilty."

But the judge said the circumstances "do not indicate a fair likelihood that the defendant Frances Carter is in danger of such a conviction."

The decision is subject to review by the State Supreme Court if either side requests it.

Jersey Cases Noted

Because the bail hearing was the first of its kind in the state, the judge's ruling is expected to become legal precedent, Judge Palmer said he based his ruling on two recent cases in New Jersey that copied word for word Connecticut's 1818 bail law and subsequently interpreted it. In essence, the New Jersey cases require the state to go beyond the legal requirement of "probable cause" but not so far as "proof beyond a reasonable doubt."

Judge Palmer said his decision on bail was not in any way intended to be an opinion on the guilt or innocence of the defendants.

Miss Carter did not attend most of the bail proceedings because she was pregnant. She gave birth to a boy at about the time the hearing started.

During the hearing two women co-defendants testified that all five persons seeking bail were in the apartment that served as Black Panther headquarters here when the victim, Alex Rackley, 24, of New York City, was tortured.

EDUCATION